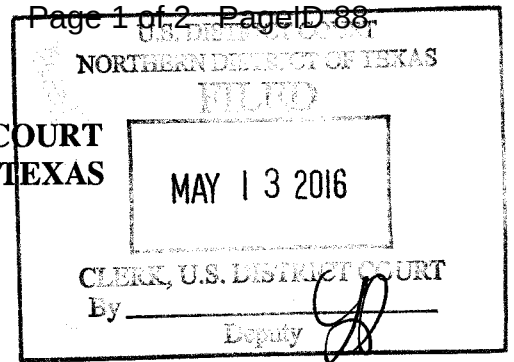


**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**



TIA WAGNER,

Plaintiff,

v.

**DALLAS COUNTY, TEXAS, FEDERAL
NATIONAL MORTGAGE, and CITY OF
DESOTO, TEXAS**

Defendants.

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No. 3:16-CV-0820-M (BF)

**FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court are Defendant City of DeSoto's Rule 12(b)(6) Motion to Dismiss [D.E. 7] and Defendant Federal National Mortgage Association a/k/a Fannie Mae's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) [D.E. 8]. Both of these motions were filed on March 30, 2016. *See* Docket. The Local Civil Rules (the "Local Rules") provide that a response to a motion is due twenty-one (21) days from the date the motion is filed. Local Civ. R. 7.1(e). Based on the Local Rules, Plaintiff was required to file a response to each of the Defendants' motions by April 20, 2016. *See id.* This deadline passed without Plaintiff filing a response to either motion. *See* Docket.

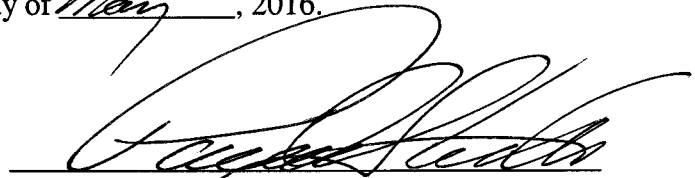
The Court gave Plaintiff an opportunity to cure this by ordering her to file responses to both motions by May 9, 2016. Order [D.E. 10]. Plaintiff was also put on notice that if she failed to comply with that order, her failure could result in a recommendation that her be dismissed for failure to prosecute. *Id.* [D.E. 10]. The Court's deadline for Plaintiff to file responses to the Defendants'

motions has also come and gone. *See id.* [D.E. 10]. The undersigned notes that Plaintiff still has not filed any responses. *See* Docket. Therefore, Plaintiff did not comply with the Court's order to file a response within the prescribed deadline. *See* Order [D.E. 10].

RECOMMENDATION

Because Plaintiff has failed to follow the Local Civil Rules and the Court's Order, the undersigned recommends that Plaintiff's case be **DISMISSED without prejudice** for failure to prosecute.

SO RECOMMENDED, this 13 day of May, 2016.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO APPEAL/OBJECT

The United States District Clerk shall serve a true copy of these findings, conclusions, and recommendation on the parties. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions, and recommendation must serve and file written objections within fourteen days after being served with a copy. A party filing objections must specifically identify those findings, conclusions, or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory, or general objections. A party's failure to file such written objections to these proposed findings, conclusions, and recommendation shall bar that party from a de novo determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions, and recommendation within fourteen days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).